

Notice of Allowability

Application No.

10/039,770

Examiner

Padmavathi v Baskar

Applicant(s)

WARD ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/04.
2. ☒ The allowed claim(s) is/are 1,2,14,38,40,23,24,25 and 26 have been renumbered as 1-9 respectively.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application.No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12/8/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


MARK NAVARRO
PRIMARY EXAMINER

Art Unit: 1645

DETAILED ACTION

Amendment

1. Applicant's after final amendment filed on 10/15/04 is acknowledged.

Status of Claims

3. Claims 1, 14 and 38 have been amended
Claims 3-13, 15-22, 27-37 and 39 are canceled.
Claims 1, 2, 14, 23-26 and 38 are pending in the application.

Examiner's amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Helen C Lockhart 12/08/04,

Claim 1, line 2, beginning, deleted " essentially of an antigenic fragment"

Claim 14, line 2, after and, replaced " an adjuvant " with - - pharmaceutically acceptable carrier

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Claim 24, line 2 after antibody, deleted " or antigen- binding fragment of an antibody "

Claim 25, line 1, after antibody, deleted " or "

Claim 25, line 2 beginning, deleted "antigen- binding fragment "

Claim 25, line 2 after region, replaced " comprising" with - - - of --

Claim 40 has been added - - - The composition of claim 14, wherein the composition includes an adjuvant. - - - -

Art Unit: 1645

Claim rejection 35 USC 112, first paragraph written description withdrawn

5 In view of amendment to the claims and cancellation of claims, the rejection under 35 USC 112, first paragraph written description is withdrawn.

Claim rejection 35 USC 112, first paragraph scope of enablement withdrawn

6 In view of amendment to the claims and cancellation of claims, the rejection under 35 USC 112, first paragraph scope of enablement is withdrawn.

Claim Rejections - 35 USC 102 withdrawn

7 In view of amendment to the claim 1, the rejection under 35 U.S.C. 102 (b) as being anticipated by Hehl et al 1997, Accession number: AF010264 and Hehl et al Accession number: O15681, 1998 is withdrawn.

8 The claims are drawn to an isolated polypeptide molecule consisting of the polypeptide sequence set forth as amino acids 23-456 of SEQ.ID.NO: 1. This is the fragment of *Toxoplasma gondii* apical membrane antigen -1 and appears to be a secreted protein. Antibody that binds to this protein have been shown to blocking the entry of the parasite and thus useful for the development of candidate vaccine preparations.

Remarks

9 Claims 1, 2, 14, 38, 40, 23, 24, 25, 26 and 40 are allowed and have been renumbered as 1-9 respectively.

Conclusions

10 Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989.

Art Unit: 1645

The RightFax number for submission of before-final amendments is (703) 872-9306. The RightFax number for submission of after-final amendments is (703) 872-9307.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (571) 272-0864. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600

Respectfully,


Padma Baskar Ph.D.


MARK NAVARRO
PRIMARY EXAMINER